IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 2462 of 2006(R)

PETITIONER:

YASODA, W/O.(LATE) PURUSHAN,
AGED 60 YEARS, RAMASSERIL, KUTHIATHODE (P.O),
CHERTHALAI, ALAPPUZHA.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

2. THE ASSISTANT ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY
BOARD, PATTANAKKAD.

3. THILAKAN,
SHAPPU NIKARTHU, KUTHIATHODE (P.O),
CHERTHALA, ALAPPUZHA.

ADDL. 4. SUNIL KUMAR, ARYA BHAVAN, KODAMTHURUITH,
KUTHIATHODE P.O., CHERTHALA, ALAPPUZHA.

(ADDL.R4 IS IMPLEADED AS PER ORDER ON I.A.NO.4053/2006
DATED 11/12/2006)

R2 BY SC SRI JOSE J. MATHEIKEL

R1 BY GOVT.PLEADER SRI M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE IST PETITIONER NO.N2-43285/05 DTD. 5/10/05.

EXT.P2 TRUE COPY OF THE PROCEEDINGS OF THE IST RESPONDENT DTD. 11/1/2006.

EXT.P3 TRUE COPY OF THE COVER CONTAINING EXT.P2.

EXT.P4 TRUE COPY OF THE DRAFT SKETCH PREPARED BY THE PETITIONER FOR THE PERUSAL OF THIS COURT.

RESPONDENTS' EXTS:

EXT.R2(A) TRUE COPY OF A ROUGH SKETCH SHOWING THE SCHEME APPROVED BY THE ADM.

P.R.RAMAN, J.

W.P.(C).NO.2462 OF 2006

Dated this the 11th day of December, 2006

JUDGMENT

Petitioner is aggrieved by Ext.P2 order passed by the Additional District Magistrate, Alappuzha dated 11/1/2006. According to the petitioner, she has no objection in drawing the electric line through her property. As a matter of fact, there is already an electric post from which other connections are given. But according to the petitioner, since the only property belongs to her of an extent of 16 cents, it causes inconvenience and hardship, if the post is allowed to continue in the present position. She only requests that the post be shifted to a side of the property and to draw the line. Though the learned Magistrate was noticed her grievance, the order is silent regarding that.

2. Heard the learned Standing Counsel for the Electricity Board also.

3. According to the Standing Counsel, if the post is to be shifted to one side of the property, some trees will have to be cut and removed. But the petitioner has no objection, if that is absolutely essential for drawing the line by shifting the post to a side of the property. The same is recorded.

4. In such circumstances, there will be a direction to the Assistant Executive Engineer, Electrical Sub Division, K.S.E.B., Pattanakkad to shift the post from the existing place to the side of the property of the petitioner and to draw the line as proposed in Ext.P4.

To the above extent, this writ petition is allowed.

P.R.RAMAN,
JUDGE.

kcv.